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SENATE BILL 678 By
Ford J

HOUSE BILL 1248
By White

AN ACT to amend Tennessee Code Annotated, Title 36; Title 37 and Title 68, relative to authorizing an emergency medical services provider to take possession of certain abandoned children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) An emergency medical services provider, without a court order, shall take possession of a child who is seventy-two (72) hours old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.

(b) An emergency medical services provider who takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child.

SECTION 2.

(a) No later than the close of the first business day after the date on which an emergency medical services provider takes possession of a child pursuant to Section 1,

the provider shall notify the department of children's services that the provider has taken possession of the child.

(b) The department shall assume the care, control, and custody of the child immediately on receipt of notice pursuant to subsection (a). The department shall be responsible for all medical and other costs associated with the child and shall reimburse the hospital for any costs incurred prior to the child being placed in the care of the department.

SECTION 3. It is an affirmative defense to prosecution under Tennessee Code Annotated, Title 39, Chapter 15, Part 4, if the parent voluntarily delivers the child to an emergency medical services provider pursuant to Section 1.

SECTION 4. For the purposes of this act, an emergency medical services provider shall mean a licensed hospital, as defined in Tennessee Code Annotated, Section 68-11-201, which operates an emergency department. An emergency medical service provider does not include the offices, clinics, surgeries, or treatment facilities of private physicians or dentists. No individual licensed health care provider, including physicians, dentists, nurses, physician assistants, or other health professionals shall be deemed to be an emergency medical services provider under this act unless such individual voluntarily assumes responsibility for the custody of the child.

SECTION 5. No person or other entity subject to the provisions of this act shall be liable to any person for any claim for damages as a result of any action taken pursuant to the requirements of this act, and no lawsuit shall be predicated thereon.

SECTION 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

SECTION 7. This act shall take effect July 1, 2001, the public welfare requiring it.